

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DALE R PACKARD

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

DALE R PACKARD

CASE NO: 1-20-02533-HWV

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on December 9, 2020, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney James K. Jones, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 1307(c) of 11 U.S.C., due to material default by the debtor(s) with respect to the terms of the plan.

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 1-18-05332-HWV
Counsel: JAMES H. TURNER, ESQUIRE
Filing Date: 12/21/18 Date Dismissed: 07/11/19
Total Payments: \$1354.40 Chapter: 13
Result: DISMISSED FOR MATERIAL DEFAULT

Case Number: 1-19-03151-HWV
Counsel: JAMES H. TURNER, ESQUIRE
Filing Date: 07/24/19 Date Dismissed: 08/14/20
Total Payments: \$2147.46 Chapter: 13
Result: DISMISSED FOR MATERIAL DEFAULT

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of 2 prior Chapter 13 petitions within a 2 YEARS year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,
James K. Jones, Esquire
Id: 39031
Attorney for Trustee
Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: jjones@pamd13trustee.com

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MOTION TO DISMISS WITH
PREJUDICE

NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion as indicated below. All matters not resolved will be heard at the scheduled hearing. You MUST attend the hearing.

HEARING:

January 13, 2021 at 09:35 AM

This hearing will be held telephonically
using Courtcall.

You MUST attend the hearing unless the matter is settled by one of the following having taken place prior to the hearing.

1. You have paid the following and have confirmed payment with Trustee DeHart's office.

**AMOUNT DELINQUENT AS OF LAST MONTH: \$ 1963.96
AMOUNT DUE FOR THIS MONTH: \$981.98
TOTAL AMOUNT DUE BEFORE HEARING DATE: \$2945.94**

NOTE:

**ALL payments must be made by CERTIFIED CHECK OR MONEY ORDER. NO
PERSONAL CHECKS OR CASH WILL BE ACCEPTED.**

**DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by
any other special delivery service. Doing so will delay processing of your payment and may
result in dismissal of your case.**

Mail payments by U.S. First Class Mail to:

CHARLES J. DEHART, III, PO BOX 7005, LANCASTER, PA 17604

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL WITH PREJUDICE OF YOUR CASE.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: December 9, 2020

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on December 9, 2020, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

JAMES H. TURNER, ESQUIRE
TURNER AND O'CONNELL
915 N MOUNTAIN ROAD, SUITE D
HARRISBURG, PA 17112-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

DALE R PACKARD
274 GLENDALE AVENUE
LEWISTOWN, PA 17044

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 9, 2020

Liz Joyce
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.